

Senate File 2201 - Introduced

SENATE FILE 2201

BY SORENSON

A BILL FOR

1 An Act relating to the use of a full-body scanner at an airport
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 328.1, subsection 1, Code 2011, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Oq.* "Full-body scanner" means a device that
4 uses backscatter X rays or millimeter waves to create a visual
5 image of a person's unclothed body for the purpose of detecting
6 a concealed object.

7 Sec. 2. Section 328.1, subsection 1, paragraph r, Code 2011,
8 is amended to read as follows:

9 *r.* "Governmental subdivision" means any county or city
10 of this state, and any other political subdivision, public
11 corporation, authority, or district in this state which is or
12 may be authorized by law to acquire, establish, construct,
13 maintain, improve, and operate landing areas and, airports, or
14 other air navigation facilities.

15 Sec. 3. NEW SECTION. **328.56B Full-body scanner —**
16 **prohibition.**

17 1. A governmental subdivision shall prohibit the
18 installation or operation of a full-body scanner at an
19 airport operated, controlled, or otherwise regulated by the
20 governmental subdivision.

21 2. A governmental subdivision that violates subsection 1
22 shall pay a civil penalty not to exceed one thousand dollars
23 per day for each day the governmental subdivision is in
24 violation of subsection 1.

25 3. *a.* The attorney general may bring an enforcement action
26 in district court for a violation of this section and seek
27 remedies provided for in subsection 2.

28 *b.* The attorney general may, in lieu of the remedy provided
29 in paragraph "a", apply to the district court for injunctive
30 relief in order to restrain a governmental subdivision from
31 acting in violation of this section. In order to obtain
32 injunctive relief, the attorney general shall not be required
33 to post a bond or prove the absence of an adequate remedy at law
34 unless the court for good cause otherwise orders. The court
35 may order any form of prohibitory or mandatory relief that

1 is appropriate under principles of equity, including but not
2 limited to issuing a temporary or permanent restraining order.

3 4. If the attorney general successfully brings an
4 enforcement action under paragraph 3, the attorney general
5 shall be awarded reasonable attorney fees and any costs shall
6 be assessed against the governmental subdivision.

7 5. Any amounts collected through the enforcement of this
8 section shall be deposited into the general fund of the state.

9

EXPLANATION

10 This bill relates to the use of a full-body scanner at an
11 airport.

12 The bill requires a governmental subdivision as defined in
13 Code section 328.1 to prohibit the installation or operation
14 of a full-body scanner at an airport under the governmental
15 subdivision's operation, control, or regulation.

16 The bill defines "full-body scanner" to mean a device that
17 uses backscatter X rays or millimeter waves to create a visual
18 image of a person's unclothed body for the purpose of detecting
19 a concealed object.

20 Under the bill, a governmental subdivision that violates the
21 bill shall pay a civil penalty not to exceed \$1,000 per day for
22 each day the governmental subdivision is in violation of the
23 bill.

24 The attorney general may, in lieu of seeking a monetary
25 penalty, apply to the district court for injunctive relief in
26 order to restrain a governmental subdivision from acting in
27 violation of the bill.

28 If the attorney general successfully brings an enforcement
29 action, the bill requires the attorney general to be awarded
30 reasonable attorney fees and provides that any costs be
31 assessed against the governmental subdivision.

32 The bill provides that any amounts collected through the
33 enforcement of the bill shall be deposited into the general
34 fund of the state.